

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/003955

International filing date (day/month/year)
16.09.2004

Priority date (day/month/year)
16.10.2003

International Patent Classification (IPC) or both national classification and IPC
C11D3/39, C11D3/395, C11D17/00, C11D3/22, C11D3/38, C11D3/386

Applicant
RECKITT BENCKISER N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Pfannenstein, H

Telephone No. +49 89 2399-8217



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

10/575823

International application No.
PCT/GB2004/003955

IP20Resd/CT/PTG 12 APR 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/003955

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

4. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, Inventive step or Industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-4,6-8
	No: Claims	1,5
Inventive step (IS)	Yes: Claims	
	No: Claims	1-8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2004/003955

AP20 Rec'd PCT/PTO 12 APR 2006

Re Item V

- 1) Reference is made to the following documents:

D1 WO-A-9902637

D2 US-A-3664961

D3 EP-A-791647

D4 EP-A-533239

- 2) D1 (examples, page 51) exemplifies detergent compositions comprising amylase, protease, cellulase and a photo catalytic bleach encapsulated in dextrin soluble polymer. Thus the subject-matter of claims 1 and 5 is not novel (Articles 33(2) PCT).

- 3) The application relates to a coating for bleaching agents which is digestible by an enzyme present in the composition which is stable in product environment whilst easily removable in the wash bath thus making them usable in the formulation if detergents containing enzymes, other ingredients incompatible with bleach. Advantages are the biodegradability of the coating, allowing formulations containing incompatible materials thus improving cleaning performance and making bleach available only once the enzymes have at least started their action and thus reducing the interference between the two actives. Examples have not been shown.

D2 (claim 1, col. 17, l.53-57) describes detergent compositions comprising an enzyme and agglomerated particles of perborate and water soluble polymer including amylopectin, amylose, starch, gelatin, polysaccharide gum. As enzymes amylase, protease and lipase are mentioned. Thus a selection of two lists has to be made.

D2 relates to agglomerated perborate which is less harmful in its attack on enzymes when both are present in a granular detergent.

D3 (claims 1, 8) describes detergent compositions comprising an enzyme and coated per salts. The coating material may be an ester wax. The enzyme is not further described.

D3 relates to reduced correlation of bleach and enzyme at the beginning of the washing process.

To summarize, the present application, D2 and D3 describe the same problem and all relate to the incompatibility of bleach and enzyme. The present application is therefore regarded as an alternative. The coating materials are listed therein and the enzymes are common. A surprising effect over D2 and D3 has not been shown. Thus the subject-matter of claims 1-8 is not inventive (Article 33(3) PCT).

- 4) Claim 1 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claim attempts to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result. The term is "the coating material of the bleaching agent is a substrate for the enzyme".
- 5) EP-A-554359 does not describe detergent compositions contrary to page 3, par 3. It may be 544359.

The application numbers on page 18 should be substituted by the publication number.